

**ANNUAL REPORT
To the Commissioner
Department of Environmental Protection
July 1, 2002 -- June 30, 2003
FY 2003**

I. Introduction

The Board of Underground Storage Tank Installers was established in 1985 by 32 MRSA Chapter 104-A and its authorities expanded and modified by subsequent amendments in 1987, 1989, 1990, 1992, 1997, 2001, and 2002. According to the statute, the purpose of the Board is as follows:

"In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to ensure the highest degree of professional conduct on the part of underground oil storage tank installers and inspectors and to assure the availability of underground oil storage tank installations and inspections of high quality to persons in need of those services, it is the purpose of this chapter to provide for the regulation of persons offering underground oil storage tank installation and inspection services."

Thus, the Board has three major responsibilities: (1) certifying underground oil tank installers, underground gasoline tank removers, and underground oil storage tank inspectors; (2) managing and accrediting continuing education for certified underground tank installers, removers, and inspectors; and (3) taking disciplinary actions against installers, removers, and inspectors who violate its enabling statutes and rules. By law, the Board is also charged with submitting an annual report to the Commissioner of the Department of Environmental Protection (32 MRSA §10004(6)). This report is designed to fulfill that mandate for FY 2002/03. It covers the following major subject areas:

- Membership and Staffing;
- New Certifications and Testing;
- Recertification and Continuing Education;
- Processing of Complaints;
- Rulemaking and Program Development;
- Newsletter;
- Data Management; and
- Financial Statement

II. Membership and Staffing

Members of the Board are as follows:

- Alison Smith, Chair (Public Member) - Term expires 12/31/2004.
- Paul Bosse, (Maine Oil Dealers' Association) - Term expires 12/31/2003.
- Clifford Buuck, (Public Member) - Term expired 12/31/2004.
- Kenneth Dixon (Maine Fire Chief's Association) – Term expires 12/31/2005.
- George Seel, (DEP) - Term expires 12/31/2005.
- Lawrence Winchester, (Certified Installer) - Term expires 12/31/2004.
- (Vacant) (Me. Chamber of Commerce, Certified Installer, or Certified Inspector) - Term expires 12/31/2004.

Even though 2002 Legislation expanded the pool of individuals available for a seat traditionally held by the Maine Chamber of Commerce to also include another certified installer or a certified inspector, we continue to search for an applicant for that seat.

James Hynson and Theresa Scott continued to provide staffing to the Board. Staff provided additional sporadic support from the Department of Environmental Protection, including W. David McCaskill, Diana McLaughlin, Beth DeHaas, Butch Bowie, Peter Moulton, Tim Rector, Ted Scharf, and Bob Williams. Dennis Harnish provided support from the Office of the Attorney General.

III. New Certifications and Testing

This section includes discussions on (A) number of installers certified, (B) written exams, (C) on-site exams, (D) upgrades, and (E) apprenticeships.

A. Number of Installers Certified

The number of certified installers is 101 compared to 102 that were certified at the end of FY 2001/2002. At present, this includes 99 who hold Class 2 Oil Tank Installer Certificates, and two (2) Class 3 Oil Tank Installers. Four (4) elected not to apply for recertification once their old certificates expired. The Board reinstated two certificates which had expired. One (1) Class 2 installer became recertified after passing the initial examination, obtaining a variance for apprenticeship, and passing the final exam. Since more than two years had elapsed since the expiration of his initial certificate, he needed to accomplish the full certification process in order to obtain his certificate.

Five (5) underground tank inspectors became certified after passing that examination on June 6, 2003. There are no underground gasoline tank removers in Maine.

Once the Department of Environmental Protection (DEP) determines the level of compliance with annual inspection requirements enacted in 2001, we can better understand whether enough trained people exist to service the demand for installations, annual inspections and ongoing maintenance of underground oil storage facilities.

B. Written Exams

Two (2) individuals took and passed the initial examination for underground tank installer in early July, 2003. Both applicants currently continue to work on completing their apprenticeships to become Class 3 installers. Three (3) DEP staff passed the initial examination (scores of 90 or higher are required for DEP staff to pass this examination) in March of 2003. Four (4) individuals, including three (3) outside DEP and one (1) DEP staff, took the initial examination on June 6, 2003. Two (2) passed and have begun their apprenticeships, while two (2) failed.

Considerable effort was expended in developing and administering an examination to certify underground tank inspectors during the last year. A contract was issued to Marcel Moreau Associates for the examination, and its development was monitored closely by the Board. This examination was offered June 6, 2003 to 22 applicants. Five (5) passed with scores of 80% or better, while seventeen (17) failed. We will offer the examination again in the very near future and assess the examination for fairness, degree of difficulty, and appropriate level of detail for the responsibilities being conferred.

We anticipate amendments to DEP technical regulations on underground tanks will occur next year and necessitate significant revision to the installer examinations.

C. On-Site Exams

No applicants were eligible for on-site examinations for the underground gasoline tank remover certificate, the only class that still requires on-site examination for certification.

D. Upgrades

No Class 3 Underground Tank Installers attempted apprenticeship and testing requirements to be upgraded to Class 2 Underground Tank Installers in FY 2002/03. The Board's enabling legislation and rules provide for Class 3 installers to obtain upgrades to Class 2 if they apprentice on six (6) motor fuel installations and pass the Class 2 final examination.

E. Apprenticeships

Two (2) apprentices for Class 3 certification continue to work to completing the six (6) installations required to qualify them to take the final examination.

F. Variances

The 1990 amendments to the Board's enabling legislation instituted a variance process for individuals to obtain variances for the apprenticeship portion of the installer certification process (32 MRSA §10010.3-A.D; 06-481 CMR c. 3 §4.D). During FY 2002/03, the Board granted one variance to apprenticeship to an individual who previously held a certificate. He subsequently passed the final examination and became certified.

IV. Recertification and Continuing Education

Eighteen (18) installers applied for recertification and were granted full renewal certificates.

Continuing education programs accredited by the Board in FY 2002/03 generally applicable to all installers are listed in Table 1. The Board approved a total of fourteen (14) credit hours from both program sponsor and individual installer applicants.

V. Processing of Complaints

Disciplinary actions involving five (5) investigations and five (5) alleged violations were received, processed and resolved in FY 2002/03. A summary of the Board's actions in these matters is presented in Table 2. All investigations were resolved by Consent Agreement.

PROGRAM	SPONSOR	DATE APPR.	HOURS
OSHA 10-Hr. Construction Workshop	MEMIC/Jeffrey Berzinis	October 25, 2002	1
8-Hr OSHA Refresher	Dead River Co./Leslie Anderson	November 15, 2002	2
API's Operation. Underground (Renew) Installation Segment	API/Catherine Butler	January 24, 2003	3
Removal Segment			2
Spring 2003 Tank Installers Program	Maine Oil Dealers Association	January 24, 2003	4
Proper Installation of Ameron Fiberglass Pipe	Eastern States Associates/Chuck Krouse	May 16, 2003	2

Table 1. Continuing education opportunities accredited by the Board of Underground Storage Tank Installers FY 2002/03.

Principle Violation	Year	No.	Date Received	Action Date	Result	Fine	(Days) Susp.	Other	Date Closed
38MRSA563.1.A	2003	1	12/23/2002	2/21/2003	CA	\$500	30	Begin 5/1/03	3/21/2003
38MRSA563.1.A	2003	2	1/7/2003	4/18/2003	CA	\$250			4/18/2003
38MRSA563.1.A	2003	3	1/9/2003	2/21/2003	CA	\$500	30	Consecutive after 2003-01	3/21/2003
38MRSA563.1.A	2003	4	2/20/2003	4/18/2003	CA	\$250			4/18/2003
38MRSA563.1.A	2003	5	2/20/2003	3/21/2003	CA	\$250			4/18/2003

Table 2. Summary of FY 2002/03 Enforcement Actions (By Violation) of the Maine Board of Underground Storage Tank Installers.

Figure 1 shows the number of alleged violations investigated by the Board and its staff since promulgation of the Board's rules in August 1988. This graph indicates a continuing decline in the number of complaints referred to the Board. This probably relates to the overall decline in numbers of new installations and that compliance monitoring involving annual inspections is only beginning to occur.

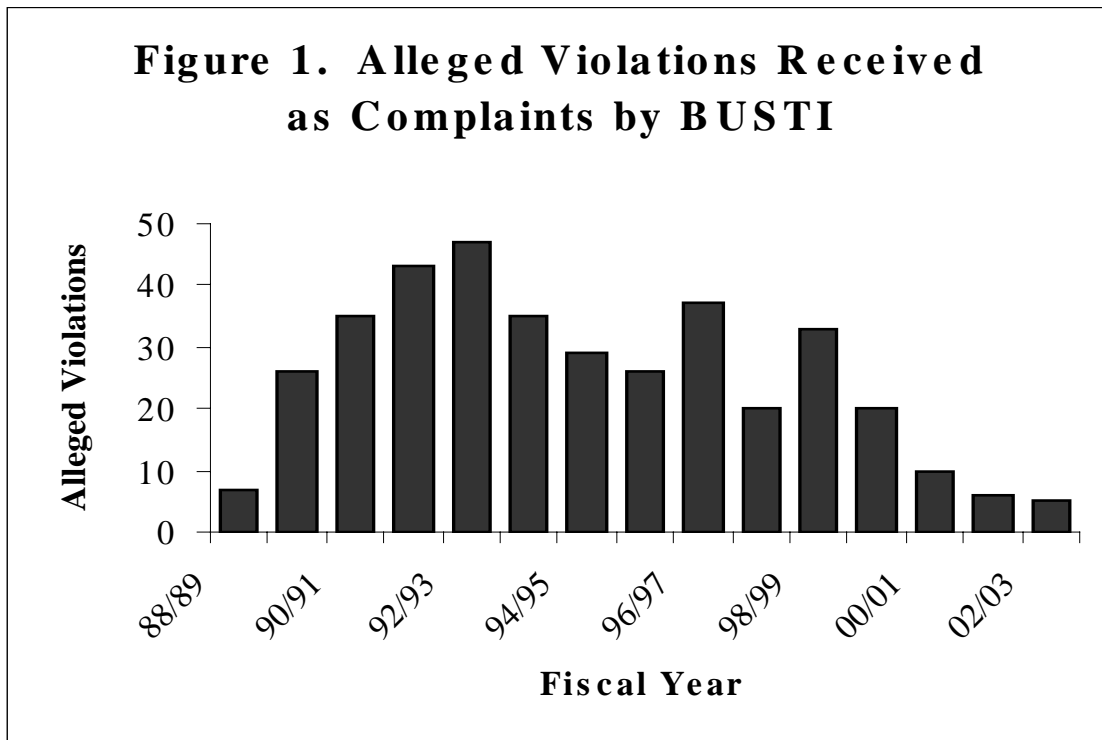
VI. Rulemaking and Program Development

No new rulemaking or program development was conducted in FY 2002/03, since the Board's rules had been amended immediately prior to the beginning of this fiscal year.

VII. Newsletter

One of the initial benefits of certification of installers was the development of ability by the State to communicate with installers via a newsletter. One issue of "The Maine Installer" was published during FY 2002/03. The newsletter appears to be well received whenever it can be published. Additionally, Board staff assisted with a number of mailings by the Department on specific subjects to the installers. These subjects included, but were not limited to new statutory and regulatory provisions involving siting of underground oil storage facilities, and methods for inspecting such facilities. Board staff also assisted

Department staff in a mailing asking installers to remind their customers or employers about the annual inspections.



VIII. Data Management

A database has been generated by a contractor which is installed as a part of the Department's overall database for underground tank registration. Currently, it contains identification and address information for all installers and a mechanism to chart certification history. The contractor is developing portions on continuing education and enforcement. Board staff are verifying the information in the system and testing it for proper operation.

A home page on the Internet which includes the Board's application forms, a list of certified individuals, a description of the Board's program, and past newsletters, meeting minutes, and approved continuing education is completed and undergoing ongoing maintenance. We anticipate an effort to better organize the information in the near future.

IX. Financial Statement

The Board's financial statement for FY 2002/03 is provided in Table 2. Income shown for recertification varies widely on a biennial basis. Recertification is required every two (2) years, and thus income for this year reflects the vast majority of tank installers not becoming recertified this year. It is therefore expected that this figure will follow two (2) year cycles of being high and low, with this year a high year. Shortfalls in BUSTI budgeting are made up from the other income sources in the State's Groundwater Oil Cleanup Fund.

Respectfully Submitted,

George Seel, Chair *Pro Tempe*

Income	(\$)
Program Income	13,150.00
Groundwater Oil Cleanup Fund	118,060.16
Total	131,210.16
Expenses:	(\$)
Personal Services	81,107.37
Fringe	33,698.78
Longevity/Overtime	1,471.85
Other	14,932.16
Total	131,210.16

Table 3. Financial statement for the Board of Underground Tank Installers, July 1, 2002 through June 30, 2003.